IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13584 of 2004

Between:

V. Appaiah, S/o. Mallaiah,
Hindu, R/o. 220 KV Substation backside,

Manugur Village & Mandal, Khammam District.

..... PETITIONER

AND

1 The Mandal Revenue Officer,

Manuguru Mandal, Khammam District.
2 The Project Officer, ITDA, Bhadrachalam,

Khammam District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, orders or directions and more particularly in the nature of Writ of Mandamus declaring that the acts, deeds and things of the respondents in interfering with the land admeasuring 12 guntas in survey No. 290/A, situated at Bandarugudem Main Road, Manuguru Village and Mandal, Khammam District and is bounded by East : Small Canal; West : R &B Road; North: House belonging to Kompelly Yadagiri and South : Small Canal, are illegal, arbitrary and much against to the legal and fundamental rights guaranteed under the Constitution of India and consequently direct the respondents not to interfere with the above land without following due process of law and pass such other order or orders as deem fit and proper in the circumstances of the case and in the interest of Justice, equity and good conscience, as otherwise the petitioner shall be put to grave and inexplicable hardship and injury.

Counsel for the Petitioner:MR.PALIVELASATYARAJA BABU

Counsel for the Respondent No.1 : GP FOR REVENUE

Counsel for the Respondent No.2 : GP FOR SOCIAL WELFARE

The Court made the following :

ORDER :

The petitioner claims to be the absolute owner and possessor of land admeasuring Acs.0.12 in Survey No.290/A situated at Bandarugudem Main Road in Manuguru Village and Mandal of Khammam District. He also claims that in continuation of the proceedings initiated in 1995, the Special Deputy Collector, Tribal Welfare, Palvoncha, passed order on 2-1-1996 holding that the transaction under which the petitioner purchased the land is not hit by the provisions of Andhra Pradesh Schedule Areas Land Transfer Regulations, 1959. It is now alleged that on 31-7-2004 the first respondent prevented the petitioner from entering the land without disclosing the reasons. Therefore, apprehending that the first respondent might forcibly dispossess him, the present writ petition is filed.

This Court adjourned the matter on 3-8-2004 to enable the Government Pleader for Social Welfare to get instructions in the matter. In spite of the same, the learned Government Pleader is not able to get instructions from the respondents. Be that as it is, as the petitioner apprehends that he might be forcibly dispossessed, the writ petition is disposed of observing that if the petitioner is in possession of the land, the respondents shall not interfere with his possession without following due process of law either under the Andhra Pradesh Scheduled Areas Land Transfer Regulations, 1959 or Board Standing Orders or other relevant provisions of law.

The writ petition, with the above observations, is disposed of. No costs.

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(V.V.S. RAO, J.)

Dt.09-08-2004.

Msr.

NOTE : Office to issue copy of this

order within one week.

B/o.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer,

Manuguru Mandal, Khammam District.

2 The Project Officer, ITDA, Bhadrachalam,

Khammam District.

3. 2CCs to Government Pleader for Revenue, High Court of

A.P., Hyderabad.

4. 2CCs to Government Pleader for Social Welfare,

High Court of A.P., Hyderabad.

5. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.13584 of 2004

Dt.09-08-2004.

(Msr)